

FOURTH DAY
(Tuesday, January 15, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Brooks.

A quorum was announced present.

Senator Ray Farabee offered the invocation as follows:

Our Father, we thank Thee for this great State. We thank Thee for the opportunity to meet here to consider these issues and for this system of government.

Be with us in our deliberations. Lead, guide and direct us, for we ask it in Thy name. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Mauzy.

MESSAGE FROM THE HOUSE

House Chamber
January 15, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 4, Inviting the Chief Justice John Hill to address the 69th Regular Session in a Joint Session on January 22, 1985, at 11 a.m.

S.C.R. 7, Inviting the Honorable Mark White to address a Joint Session of the 69th Legislature.

S.C.R. 8, Directing the Texas Board of Corrections to undertake additional analysis of future funding needs of the Department of Corrections.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Blake submitted the following report for the Committee on Administration:

S.B. 123

S.B. 39
S.B. 69
S.B. 100
S.C.R. 1
S.C.R. 3
C.S.S.B. 65

S.B. 138 by Montford, Santiesteban, Farabee Natural Resources
Relating to the conservation, development, and protection and enhancement of the
quality of, and flood and subsidence control for, surface and underground water and
providing various financing mechanisms to finance conservation, development, and
protection and enhancement of the quality of, and flood, subsidence control,
recharge, and chloride control for, surface and underground water and agricultural
soil and water conservation.

- S.B. 139** by Washington State Affairs
Relating to the observance of Dr. Martin Luther King's birthday as a state holiday.
- S.B. 140** by Glasgow State Affairs
Relating to the promotion of the music industry in this state.
- S.B. 141** by Glasgow Education
Relating to student union fees at North Texas State University.
- S.B. 142** by Glasgow Intergovernmental Relations
Relating to the appointment of public defenders by criminal district judges in Tarrant County.
- S.B. 143** by Glasgow Criminal Justice
Relating to jury instructions on parole.
- S.B. 144** by Glasgow Criminal Justice
Relating to the payment of court-appointed counsel by a county in certain criminal proceedings and by the state in capital cases.
- S.B. 145** by Glasgow Economic Development
Relating to notice, settlement, damages, and attorneys' fees in claims of misrepresentation or unfair competition in the business of insurance.
- S.B. 146** by Glasgow Criminal Justice
Relating to the introduction of the juvenile record of the defendant at the time of sentencing.
- S.B. 147** by Glasgow Criminal Justice
Relating to correction of a defect in an indictment or information and to waiver of the defendant's right to object to a defect in an indictment or information.
- S.B. 148** by Glasgow Criminal Justice
Relating to a defendant's election of the judge or the jury to assess punishment in a criminal case.
- S.B. 149** by Glasgow Jurisprudence
Relating to the right to counsel of a person called to testify before a grand jury; providing penalties.
- S.B. 150** by Williams State Affairs
Relating to the declaration of Texas Sesquicentennial Day as a holiday.

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of S.C.R. 7, the President announced the appointment of the following as a Committee to Escort Governor Mark White to the Joint Session: Senators Blake, Farabee, Jones, Mauzy, Edwards.

SENATE RESOLUTION 17

Senator Blake offered the following resolution:

WHEREAS, The Senate of the State of Texas today grieves the unexpected death of the Honorable Allan Shivers, former Governor, Lieutenant Governor, and State Senator; and

WHEREAS, Governor Shivers had a deep and unending love for the Texas Senate where he began his illustrious public career of service to the people of Texas; and

WHEREAS, It is appropriate that the body of this distinguished native son of Texas lie in state in the Chamber he loved so much; now, therefore, be it

RESOLVED, That the Senate Chamber in the State Capitol be prepared to receive the body of this beloved former member and great statesman to lie in state.

The resolution was read and was adopted.

ANNOUNCEMENT BY PRESIDENT

The President announced that the body of Governor Shivers would lie in state in the Senate Chamber today from 4:00 o'clock p.m. to 7:00 o'clock p.m.

SENATE CONCURRENT RESOLUTION 9

Senator Washington offered the following resolution:

RESOLVED, That the 69th Legislature of the State of Texas pay tribute, on the occasion of the 56th anniversary of his birth, to Dr. Martin Luther King, Jr., one of America's greatest proponents of justice and peace.

The resolution was read.

On motion of Senator Washington and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE CONCURRENT RESOLUTION 10

Senator Mauzy offered the following resolution:

WHEREAS, Article III, Section 17, of the Texas Constitution provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That each house grant the other permission to adjourn for more than three days during the period beginning on January 16, 1985, and ending on January 21, 1985.

The resolution was read.

On motion of Senator Mauzy and by unanimous consent, the resolution was considered immediately and was adopted.

MOTION TO ADJOURN

On motion of Senator Mauzy and by unanimous consent, the Senate at 11:24 o'clock a.m. agreed to stand adjourned at the conclusion of the Joint Session until 11:00 o'clock a.m. tomorrow.

JOINT SESSION

(To hear address of Governor Mark White)

The President of the Senate and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 12:00 o'clock noon to hear the address of the Honorable Mark White, Governor of Texas, pursuant to the provisions of S.C.R. 7.

The President was announced and, on invitation of the Speaker, occupied a seat on the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Mark White, Governor of the State of Texas, accompanied by Mrs. Linda Gale White, was announced by the Doorkeeper of the House.

The Governor's party was escorted to the Speaker's Rostrum by Senators Blake, Farabee, Jones, Mauzy and Edwards on the part of the Senate and

Representatives Colbert, Delco, Gibson, Madla, Rangel, Patronella, Williamson, McKinney, C. Johnson, Melton, McDonald and Adkisson on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Gib Lewis, Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session and announced a quorum of the House present.

The Speaker introduced the following platform guests: Mrs. Linda Gale White, Secretary of State Myra McDaniel, Chief Justice, Supreme Court, John Hill and Presiding Judge, Court of Criminal Appeals, John Onion.

The Speaker then presented Lieutenant Governor Bill Hobby, who introduced His Excellency, the Honorable Mark White, who addressed the Joint Session. (Complete text of Governor White's address printed in House Journal of Tuesday, January 15, 1985.)

CONGRATULATORY RESOLUTION

S.R. 16 - By Barrientos: Extending congratulations to Senior Ranger Captain William Delpard Wilson on his retirement.

ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 12:28 o'clock p.m. would stand adjourned until 11:00 o'clock a.m. tomorrow, in accordance with a motion previously adopted in the Senate.

FIFTH DAY

(Wednesday, January 16, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Santiesteban.

A quorum was announced present.

Senator Chet Brooks offered the invocation as follows:

Our Father in Heaven, we beseech Thee to be with us today in our deliberations and in our lives. Help us all to try to emulate those good examples of great leaders who have gone before us in this chamber. Help us do Thy will. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.